



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR RULEMAKING OF THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

WT Docket No. 09-217

Comment Date: January 8, 2010

Reply Date: January 25, 2010

On October 1, 2009, the National Public Safety Telecommunications Council (NPSTC) filed a Petition for Rulemaking recommending that the Commission make available for public safety use spectrum allocated for the 900 MHz Narrowband PCS service. NPSTC contends that, although the Commission initially envisioned deployment of commercial two-way messaging and paging onto the spectrum, those applications have migrated onto advanced cellular services spectrum. NPSTC recommends that the Commission conduct an audit of the 900 MHz Narrowband PCS spectrum, recover unused or lightly used channels, and make channels available for public safety use. We seek comment on its Petition for Rulemaking.

In the Petition, NPSTC notes that the 900 MHz Narrowband PCS spectrum was auctioned approximately 15 years ago to address the need at that time for commercial, mass-market two-way paging and messaging when existing paging systems could only send a short text or voice message but could not receive a response from the end user. However, according to NPSTC, consumers increasingly rely on mobile phone service from cellular and PCS providers for two-way paging and messaging, and NPSTC asserts that a significant amount of the 900 MHz Narrowband PCS spectrum has become unused. NPSTC urges the Commission to conduct an audit to examine the current usage of the 900 MHz Narrowband PCS spectrum, so that if a significant portion of the spectrum is lying fallow, public safety users could make use of it using local or regional system channels, including the ability to roam onto any remaining commercial narrowband PCS systems when out of their respective jurisdictions as a supplement to their dedicated public safety alerting systems.¹

The various uses that NPSTC envisions for two-way paging and messaging in the public safety community include enhanced tracking of available public safety responders from communications

¹ NPSTC notes that the Commission's Notice of Inquiry regarding the development of a National Broadband Plan, as required by the American Recovery and Reinvestment Act of 2009, raises the issue of conducting a spectrum inventory to find spectrum that could be used to support broadband services. See *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Notice of Inquiry*, 24 FCC Red 4342, 4355-56 ¶ 44 (2009). NPSTC argues that although the spectrum at issue here is not broadband, the same policy considerations (*e.g.*, that spectrum should not be allowed to lie fallow) should apply.

centers, acknowledgement of message receipt, AMBER alerts, and integration of caller and dispatcher incident data for display on two-way data capable pagers. NPSTC recommends that approximately five channels in each area, on a local or regional basis as requirements dictate, would meet the majority of the uses envisioned. Additionally, NPSTC recommends that public safety entities should be able to access any existing operational commercial 900 MHz Narrowband PCS system on a roaming basis, in order to improve interoperability with other agencies, and to address the frequent inability for public safety agencies to build their own systems.

Procedural Matters

Comments on the request are due no later than **January 8, 2010**. Reply comments are due no later than **January 25, 2010**. All filings should reference the docket number of this proceeding, WT Docket No. 09-217.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.² Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.³ More than a one- or two-sentence description of the views and arguments presented is generally required.⁴

The request is available for public inspection and copying in the Commission’s Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Copies of the request also may be obtained via the Commission’s Electronic Comment Filing System (ECFS) by entering the docket number, WT Docket No. 09-217. Copies of the request also are available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail fcc@bcpiweb.com.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). A comment filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties also may submit an electronic comment via Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: “get form.” A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.

² *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

³ *See* Commission Emphasizes the Public’s Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁴ *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail fcc@bcpiweb.com.

Comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT Docket No. 09-217. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail fcc@bcpiweb.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

For further information, contact Paul Moon of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1793, paul.moon@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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